

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JACK AUPING, individually and on behalf of)	
all others similarly situated,)	
)	
Plaintiff,)	Case 1:12-cv-11652-JLT
)	
v.)	
)	
JOHN KENNEDY, WILLIAM C. BOPP,)	
JOSEPH A. DE PERIO, HOOKS K.)	
JOHNSON, AMY S. PAUL, WILLIAM)	
TUMBER, VIKING SYSTEMS, INC.,)	
CONMED CORPORATION and ARROW)	
MERGER CORPORATION,)	
)	
Defendants.)	

**PLAINTIFF JACK AUPING'S NOTICE OF VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P. 41(a)**

Plaintiff Jack Auping (“Plaintiff”), a shareholder of Viking Systems, Inc. (“Viking” or the “Company”) hereby notifies the Court pursuant to F.R.C.P. 41(a) that, by this filing, he dismisses the above-captioned action without prejudice. Defendants have not filed an answer or a motion for summary judgment. A class has not been certified. Neither Plaintiff nor his counsel have been compensated in any manner for any role in connection with the filing, prosecution or dismissal of this action. Plaintiff further notes that an earlier-filed, similar case is currently pending in the Chancery Court of Delaware.

Plaintiff further withdraws his Motion for Expedited Discovery and Entry of a Temporary Restraining Order, and requests that the hearing on such Motion, currently scheduled for Thursday, September 20, 2012, be cancelled and removed from the Court’s calendar.

Dated: September 18, 2012

/s/ Mitchell J. Matorin
Mitchell J. Matorin (BBO# 649304
Matorin Law Office, LLC
18 Grove Street
Suite 2
Wellesley, MA 02482
Tel: (781) 453-0100
Email: mmatorin@matorinlaw.com

LEVI & KORSINSKY, LLP
Donald J. Enright, Esq.
1101 30th Street, NW
Suite 115
Washington, DC 20007
Tel: (202) 524-4290
Fax: (202) 333-2121

Counsel for Plaintiff

Certificate of Service

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be served on those indicated as non registered participants.

/s/ Mitchell J. Matorin